

Notice of Allowability

Application No.

10/790,465

Examiner

Cheryl Lewis

Applicant(s)

DULAC, STEPHEN P.

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the applicant's communication received on October 2, 2007.
2. ☒ The allowed claim(s) is/are 1, 6, 7, 9-14, 19, 20, 22-27, 32, 33, and 35-39, renumbered as claims 1-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

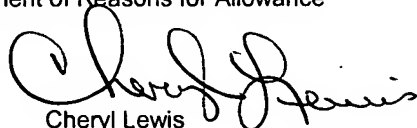
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Cheryl Lewis
Patent Examiner, A.U. 2167
December 17, 2007

DETAILED ACTION

1. Claims 1, 6, 7, 9-14, 19, 20, 22-27, 32, 33, and 35-39 are allowed. These claims have been renumbered as claims 1-24.

Drawings

2. The drawings filed on March 1, 2004 are accepted by the Examiner.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with George Gates Reg. No. 33500 on December 17, 2007.

4. Claims 1 and 14 have been amended as follows:
 1. (Currently Amended) A computer implemented method of collecting, storing and processing usage data from a device, comprising:

collecting, storing and processing usage data from the device in accordance with a privacy policy by:

extracting the usage data from the device, wherein the usage data is associated with a customer identifier;

translating the customer identifier from the extracted usage data into a replacement identifier when the customer is an "opt-neutral" customer;

correlating the extracted usage data over a period of time using the customer identifier or replacement identifier; and

using the correlated usage data to understand the customer's preferences and thereby increase revenue;

wherein both the customer identifier and the usage data are stored for "opt-in" customers, only the replacement identifier and the usage data are stored for "opt-neutral" customers and neither the customer identifier nor the usage data are stored for "opt-out" customers; and

wherein the "opt-out" customers are those who specifically request that their usage data not be used, the "opt-in" customers are those who specifically allow use of their usage data and the "opt-neutral" customers are those who have stated no preference.

14. (Currently Amended) A computer implemented apparatus for collecting, storing and processing usage data from a device, comprising:

means for collecting, storing and processing usage data from the device in accordance with a privacy policy by:

extracting the usage data from the device, wherein the usage data is associated with a customer identifier;

translating the customer identifier from the extracted usage data into a replacement identifier when the customer is an "opt-neutral" customer;

correlating the extracted usage data over a period of time using the customer identifier or replacement identifier; and

using the correlated usage data to understand the customer's preferences and thereby increase revenue;

wherein both the customer identifier and the usage data are stored for "opt-in" customers, only the replacement identifier and the usage data are stored for "opt-neutral" customers and neither the customer identifier nor the usage data are stored for "opt-out" customers; and

wherein the "opt-out" customers are those who specifically request that their usage data not be used, the "opt-in" customers are those who specifically allow use of their usage data and the "opt-neutral" customers are those who have stated no preference.

REASONS FOR ALLOWANCE

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not render obvious to one ordinarily skilled in the art at the time of applicant's invention nor anticipate the combination of claimed elements including "translating the customer identifier from the extracted usage data into a replacement identifier when the customer is an "opt-neutral" customer; correlating the extracted usage data over a period of time using the customer identifier or replacement identifier; and using the correlated usage data to understand the customer's preferences and thereby increase revenue; wherein both the customer identifier and the usage data are stored for "opt-in" customers, only the replacement identifier and the usage data are stored for "opt-neutral" customers and neither the customer identifier nor the usage data are stored for "opt-out" customers; and wherein the "opt-out" customers are those who specifically request that their usage data not be used, the "opt-in" customers are those who specifically allow use of their usage data and the "opt-neutral" customers are those who have stated no preference" and as recited in independent claim 1 and similarly recited in independent claims 14 and 27.

The remaining claims, 6, 7, 9, 10-13, 19, 20, 22-26, 32, 33, and 35-39, are dependent claims, thus these claims are patently distinct over the art of record for at least the above reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

NAME OF CONTACT

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/
Patent Examiner, A.U. 2167
December 19, 2007